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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,429	02/20/2004	Ronald D. Knudsen	210453US01 (4081-04401)	6369
37814	7590	01/18/2006	EXAMINER	
CHEVRON PHILLIPS CHEMICAL COMPANY 5700 GRANITE PARKWAY, SUITE 330 PLANO, TX 75024-6616			PASTERCZYK, JAMES W	
			ART UNIT	PAPER NUMBER
			1755	
DATE MAILED: 01/18/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/783,429

Applicant(s)

KNUDSEN ET AL.

Examiner

J. Pasterczyk

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2005 and 07 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25,31 and 37-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25,31 and 37-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/7/05</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. This Office action is in response to the amendment filed 11/29/05 and the IDS filed 9/7/05 and refers to the first Office action mailed 8/31/05.

2. Claim 25 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the metal of the process being chromium, does not reasonably provide enablement for the metal being anything else, whether main-group or transition metal. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. Given the changes that occur to the chemical reactivity of elements as one goes across the table, it should be clear to one of ordinary skill in the art that whatever processes of “abating water, acidic protons, or both” from a process of making a metal pyrrole compound do not necessarily translate from chromium, the overwhelmingly preferred metal of the present specification, to any other element, whether transition metal or main group. Hence the overly broad limitation on the metal of the present claim is considered to be merely an invitation to experiment, not an enabling disclosure that would place the invention in the hands of the public absent undue experimentation.

3. Claims 2, 25, 42, 46, 49 and 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, the metal halide containing compound of the preamble is inconsistent with that of (iii) in which no metal halide is recited.

In claim 25, last line, change “may be” to --are--.

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In claim 42, “or other known methods” is omnibus language, making the claim vague and indefinite.

In claim 46, “abating” does not appear to be a true step, partly because it is not clear when in this process the “abating” is to be performed. In l. 2 insert a comma after “compound”.

In claim 49 it is not clear when the contacting at the end of the first line is to be performed, and “azeotropic distillation” is a misnomer since what is an azeotrope is the distillate, not the distillation process.

In claim 51, l. 2, change the term to --mixed xylenes--.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-24, 31 and 37-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Reagan as cited in and for the reasons of record given in paragraph 8 of the previous Office action.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reagan as cited in and for the reasons of record given in paragraph 10 of the previous Office action.

7. Applicant's arguments filed 11/29/05 have been fully considered but they are not persuasive.

Applicants suggest that Reagan lacks any disclosure or teaching of “abating” water, acidic protons, or both from the catalyst compositions and method of making them. However, Reagan clearly discloses using dry reagents at col. 10, l. 21; col. 15, l. 66-67; and col. 19, l. 44 and 54, as well as other places throughout the specification. The absence of water is thus clearly disclosed as being important in Reagan to the preparation of these catalysts.

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8. This Office action would have been final but for the scope of enablement rejection against claim 25.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Pasterczyk whose telephone number is 571-272-1375. The examiner can normally be reached on M-F from 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached at 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

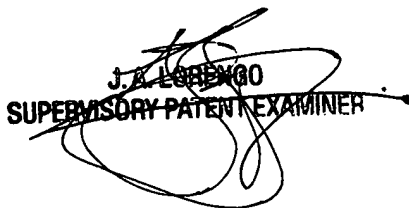
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Pasterczyk

AU 1755

1/4/06



J. A. LORENGO  
SUPERVISORY PATENT EXAMINER